

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

DEIDRA HUBAY, *et al.*

Plaintiffs,

vs.

JANELLE MARINA MENDEZ, *et al.*

Defendants.

2:19-cv-01327-NR

**ORDER**

Based on its review of the parties' filings and Defendants' letter at ECF 64, the Court wishes to clarify the following matters:

1. Defendants' letter argues that the Court should not consider certain documents and a witness declaration that were not presented during the preliminary injunction hearing. The Court does not require further briefing on this issue, as it does not intend to consider any evidence that was not presented during the hearing. In deciding the pending motions, the Court will rely solely on the jointly submitted exhibits, the hearing transcript, and its own recollection of the testimony & evidence presented at the hearing. To the extent any evidence or testimony was not submitted during (or immediately after) the hearing, it will not be considered.

2. Defendants' letter also argues that Plaintiffs did not comply with the page-limits the Court imposed on post-hearing briefs. The Court construes this portion of the letter as a motion to strike. The parties are ordered to confer and notify the Court on or before **June 23, 2020** if a resolution is reached. If the parties cannot agree, Plaintiffs may respond by **June 23, 2020**.

3. To provide the parties with guidance when conferring with respect to (2), the Court clarifies that it originally contemplated that each party would

submit a brief or memorandum, not to exceed 20 pages, containing legal argument, along with a *separate* set of proposed findings-of-fact / conclusions-of-law that, while not page-limited, would consist only of specific, enumerated findings that the parties wished the Court to make with respect to the relevant factual and legal issues. Thus, it appears neither party has done exactly as the Court anticipated—neither party has filed a brief, Defendants filed findings-of-fact / conclusions-of-law limited to the page-limit applicable to briefs, and Plaintiffs filed findings-of-fact / conclusions-of-law that were not limited to the brief page-limit.

As a result, the Court encourages the parties to resolve the issue raised in Defendants' letter by agreeing on a format, page-limit, and timeline for either party to supplement or amend its filing, if it so desires, in any manner that they believe will result in their arguments being presented on an equal footing. The Court will not require any particular format, so long as the parties agree that it is fair.

Date: June 16, 2020

BY THE COURT:

/s/ J. Nicholas Ranjan  
United States District Judge